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Attorneys for Plaintiffs
MAROUANE OUZIZ and
MOORISH ENTERPRISES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

MAROUANE OUZIZ, an individual;
MOORISH ENTERPRISES, LLC,

Plaintiff,

vs.

ATM OPERATING, INC.; ATM FUND 2016
LP; ATM FUND 2017 LP; ATM PORTFOLIO
2008 LP; ATM PORTFOLIO TEN LP;
TALISKER INVESTMENTS LP; ECLIPSE
CASH SYSTEMS, LLC; AND DOES 1
THROUGH 20, INCLUSIVE,

Defendants.

Case No.: 4:12-cv-02378-KAW

Assigned to the Hon. Kandis A. Westmore

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
PARTIES TO FILE AN EARLY MOTION
FOR SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT**

Plaintiffs Marouane Ouziz and Moorish Enterprises, LLC (collectively, "Plaintiffs")
and Defendant Eclipse Cash Systems, LLC, ("Defendant") (collectively, the "Parties"), by
and through their respective counsel, stipulate to extend the time for either or both of them to
file an early Motion for Summary Judgment or Partial Summary Judgment, as follows:

1 WHEREAS, on January 8, 2013, this Court ordered the Parties to file any early
2 motion for summary judgment or partial summary judgment by March 1, 2013;

3 WHEREAS, Defendants deposed Plaintiffs on February 1, 2013 for seven hours and
4 will continue to depose Plaintiffs on February 20, 2013;

5 WHEREAS, Plaintiffs deposed Defendants on February 8, 2013 for seven hours and
6 have requested a second session to depose Defendants, which may require traveling a second
7 time to Arizona, and which, due to the schedules of counsel and witnesses, may not be
8 completed before the end of February;

9 WHEREAS, Plaintiffs therefore will be unable to continue deposition of Defendants
10 prior to the deadline to file an early motion for summary judgment or partial summary
11 judgment;
12 judgment;

13 WHEREAS, Plaintiffs have propounded written discovery to Defendants and expect
14 to receive responses only a few days before the March 1, 2013 deadline;

15 WHEREAS, the Parties had previously stipulated to conducting only limited
16 discovery prior to the December 17, 2013 Settlement Conference during settlement
17 discussions;
18 discussions;

19 WHEREAS, Plaintiffs counsel is currently also preparing for a deposition to take
20 place in Oklahoma tentatively scheduled for the last week of February in an unrelated matter;

21 WHEREAS, the March 1, 2013 deadline has become untenable for Plaintiffs in light
22 of the above factors;
23 of the above factors;

24 THEREFORE, the Parties hereby stipulate to extend the date for the Parties to file an
25 early motion for summary judgment or partial summary judgment to March 15, 2013.

26 IT IS SO STIPULATED.
27
28

Dated: February 17, 2013

By: /s/ Lauren Saint
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DUNN & PANAGOTACOS LLP
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MOORISH ENTERPRISES, LLC
and MAROUANE OUZIZ

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By: /s/ Bradley J. Vornholt
BRIAN H. GUNN
BRADLEY J. VORNHOLT
Attorneys for Defendant
ECLIPSE CASH SYSTEMS, LLC

ORDER

IT IS HEREBY ORDERED, pursuant to the stipulation of the parties, and Good Cause therefore, that the deadline for the Parties to file an early motion for summary judgment or partial summary judgment is extended to March 15, 2013.

IT IS SO ORDERED.

Date: 2/22/13

Kandis A. Westmore
Kandis A. Westmore
United States Magistrate Judge